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| 10/791,238      | 03/01/2004  | Robert J. Desiderio  | 330235.00008        | 3649             |

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| EXAMINER |
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MONIKANG, GEORGE C

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| ART UNIT | PAPER NUMBER |
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2615

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03/06/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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|------------------------------|--------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/791,238  | Applicant(s)<br>DESIDERIO, ROBERT J. |  |
|                              | Examiner<br>George C. Monikang | Art Unit<br>2615                     |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) ☐ All    b) ☐ Some \*    c) ☐ None of:
    - 1. ☐ Certified copies of the priority documents have been received.
    - 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7/15/2005; 3/1/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by

Schwartz et al, US Patent 7,024,006 B1.

3. Re Claim 1, Schwartz et al discloses a parametric equalizer, comprising: an audio filter having a plurality of electronic components (abstract); a first control mechanism having a variable resistive element coupled to a first node within the plurality of electronic components for controlling a center frequency of the audio filter (col. 2, line 66 through col. 3, line 15); and a second control mechanism having first and second commonly controlled variable resistive elements respectively coupled to second and third nodes within the plurality of electronic components (figs. 2a & 2b; col. 3, lines 21-39), wherein the first and second resistive elements jointly control signal level and bandwidth of the audio filter (col. 3, lines 21-39).

Re Claim 2, Schwartz et al discloses the parametric equalizer of claim 1, wherein the first control mechanism includes a potentiometer having a terminal coupled to the first node within the plurality of electronic components (col. 8, lines 16-34).

Re Claim 3, Schwartz et al discloses the parametric equalizer of claim 1, wherein the second control mechanism includes a potentiometer housing the first and second commonly controlled variable resistive elements (col. 8, lines 16-34), the first resistive element having a terminal coupled to the second node within the plurality of electronic components and the second resistive element have a terminal coupled to the third node within the plurality of electronic components (col. 8, lines 16-34).

Re Claim 4, Schwartz et al discloses the parametric equalizer of claim 1, wherein the first and second control mechanisms are mounted to a control panel for user access (col. 4, lines 16-30; col. 5, lines 63-66).

Re Claim 5, Schwartz et al discloses the parametric equalizer of claim 1, wherein the plurality of electronic components includes a gain amplifier, the first resistive element of the second control mechanism being coupled to an input of the gain amplifier for adjusting the signal level of the audio filter (col. 3, lines 50-67).

Re Claim 6, Schwartz et al discloses the parametric equalizer of claim 1, wherein the plurality of electronic components includes a summing node, the second resistive element of the second control mechanism being coupled to the summing node for adjusting the bandwidth of the gain amplifier (figs 2a & 2b: 23; col. 3, lines 21-39).

Re Claim 7, Schwartz et al discloses an audio system, comprising: a parametric equalizer having attributes determined by a plurality of control parameters (col. 4, lines 16-31); and a first control interface coupled for jointly controlling first and second control parameters of the parametric equalizer (col. 4, lines 16-31).

Re Claim 8, Schwartz et al discloses the audio system of claim 7, wherein the parametric equalizer includes an audio filter having plurality of electronic components (col. 4, lines 16-31).

Re Claim 9, Schwartz et al discloses the audio system of claim 8, further including a second control interface coupled for controlling a third control parameter of the parametric equalizer (col. 4, lines 16-31).

Re Claim 10, Schwartz et al discloses the audio system of claim 9, wherein the second control interface includes a variable resistive element coupled to a first node within the plurality of electronic components (col. 8, lines 16-34).

Re Claim 11, Schwartz et al discloses the audio system of claim 9, wherein the third control parameter is a center frequency of the audio filter (col. 2, line 66 through col. 3, line 15).

Re Claim 12, Schwartz et al discloses the audio system of claim 9, further including a control panel for mounting the first and second control interfaces (col. 4, lines 16-31).

Re Claim 13, Schwartz et al discloses the audio system of claim 8, wherein the first control interface includes first and second commonly controlled variable resistive elements respectively coupled to first and second nodes within the plurality of electronic components (col. 8, lines 16-34).

Re Claim 14, Schwartz et al discloses the audio system of claim 8, wherein the first control parameter is signal level of the audio filter and the second control parameter is bandwidth of the audio filter (col. 4, lines 16-31).

Claim 15 has been analyzed and rejected according to claim 3.

Re Claim 16, Schwartz et al discloses the audio system of claim 7, further including a guitar for generating audio signals which are routed to the parametric equalizer (col. 9, lines 21-25).

Re Claim 17, Schwartz et al disclose the audio system of claim 16, further including a pre-amplifier coupled for receiving the audio signals from the guitar (fig. 5: R1 & AR2; col. 8, lines 17-34).

Re Claim 18, Schwartz et al discloses the audio system of claim 17, further including a power amplifier having an input coupled to an output of the pre-amplifier (fig. 5: AR3).

Re Claim 19, Schwartz et al discloses the audio system of claim 18, further including a speaker system having an input coupled to an output of the power amplifier (col. 9, lines 57-61).

Re Claim 20, Schwartz et al discloses the audio system of claim 7, further including a bass guitar for generating audio signals which are routed to the parametric equalizer (col. 9, lines 43-52).

Claim 21 has been analyzed and rejected according to claim 18.

Re Claim 22, Schwartz et al discloses a signal processing circuit, comprising: a filter (col. 8, lines 16-34); a first variable resistor coupled to a first node within the filter for controlling a first parametric function of the filter (col. 8, lines 16-34); and a second variable resistor coupled to a second node within the filter for controlling a second

parametric function of the filter, wherein the first and second variable resistors are jointly controlled (col. 8, lines 16-34).

Re Claim 23, Schwartz et al discloses the signal processing circuit of claim 22, further including a potentiometer housing the first and second variable resistors on a common shaft (col. 8, lines 16-34).

Claim 24 has been analyzed and rejected according to claim 14.

Claim 25 has been analyzed and rejected according to claim 7.

Re Claim 26, Schwartz et al discloses the method of claim 25, wherein the first and second variable elements are first and second variable resistors (col. 8, lines 16-34).

Re Claim 27, Schwartz et al discloses the method of claim 25, wherein the first and second resistors are housed with a potentiometer and controlled by a common shaft (col. 8, lines 16-34).

Re Claim 28, Schwartz et al discloses the method of claim 25, wherein the first control parameter is signal level of the parametric equalizer and the second control parameter is bandwidth of the parametric equalizer (col. 4, lines 16-31).

### **Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Monikang whose telephone number is 571-270-1190. The examiner can normally be reached on M-F. alt Fri. Off 7:30am-5:00pm (est).

Application/Control Number:  
10/791,238  
Art Unit: 2615


Page 7

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

George Monikang

1/7/2008

  
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1/7/08